



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,023	09/29/2003	David W. Pedlar	1578.620 (11157-US-PAT)	4511
44298 DOCKET CLERK Kelly-Krause PO BOX 12608 DALLAS, TX 75225	7590 10/14/2011		EXAMINER CASCA, FRED A	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 10/14/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket.clerk@kelly-krause.com  
portfolioprossecution@rim.com

# Office Action Summary

## Application No.

10/674,023

## Applicant(s)

PEDLAR ET AL.

## Examiner

FRED CASCA

## Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 3, 5, 8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3, 5, 8 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-949)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed July 5, 2011 has been entered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 3, 5, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (US 2003/0231612 A1), in view of Seo et al (US 2003/0185159 A1) and further in view of Krishnarajah (US 2003/0100291).

Referring to claim 3, Kim discloses a method of handling a cell update during a reconfiguration procedure in a user equipment, the user equipment configured for use in a communications system (Figures 2-3 and abstract), the method comprising:

receiving, at the user equipment, a reconfiguration command from the communications system (Fig. 2 and Par. 57, lines 3-13), and detecting, at the user equipment, a trigger event which indicates that a cell update is required (Par. 59, lines 4-7, "moving from the existing cell to a neighboring cell") and suppressing the cell update depending on the trigger event (Fig. 3 and Par. 59, note that "The cell update process is performed by the UE when the UE enters a cell update region by moving from the existing cell to a neighboring cell", thus, the cell update is suppressed (not performed) when there is no entering of the UE into a neighboring cell. The event is equivalent to the movement of the UE into a neighboring cell or cell update region).

Kim does not specifically disclose before the reconfiguration has been applied detecting and delaying the initiation in the format claimed.

However, Krisnarajah discloses that a UE needs to send a certain number of CELL UPDATE messages before the new security configuration will be used and the old security configuration will be released, which will allow an artisan to conclude that a delaying of cell update initiation would occur until reconfiguration has been applied (Par. 19).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Kim as claimed by applicant in the format claimed, for the purpose of providing an efficient cell-selection procedure.

Kim does not specifically disclose that the reconfiguration command includes an activation time identifying a delay of application of a reconfiguration until the activation time has been reached

Seo discloses a reconfiguration command includes an activation time identifying a delay of application of a reconfiguration until the activation time has been reached (Par. 86, 109, Figures 6-8, 10, 13, Par. 79, 94, 103, and 118, note that the activation time is received through the Radio link Reconfiguration Commit message and the activation time indicates a starting time, thus, it causes a delay).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the method of Kim as claimed by applicant by incorporating the teachings of Seo, and consequently including the activation time in the reconfiguration command and providing delaying of application for reconfiguration, for the purpose of providing an efficient cell-selection procedure.

Kim does not literally specify that suppressing the cell update depends on the relevance of the trigger event to the communication system after reconfiguration, as claimed.

However, Kim discloses that cell update is a signaling process caused by the environmental changes due to UE's movements (see Par. 59), and through the radio bearer setup/reconfiguration, the UE can perform soft combining in a handover region. Kim further discloses at this moment (during configuration process), if the UE enters a cell update region, it performs cell update (see Par. 59, lines 9-16, note that the claimed "relevance of the trigger event to the communications system" is equivalent to the referenced **"if the UE enters a cell update region."** Based on a broad interpretation of the claim limitation, the determining of whether or not the UE enters the cell update region is equivalent to the claimed "relevance of the trigger event to the communication system".) Thus, one skilled in the art would recognize that if the UE

does not enter the cell update region or if the UE exits the cell update region immediately after entering it, then it would not perform (suppress) cell update. The reason for suppressing the cell update when UE does not enter a cell update region would be to maintain the proper records in the cell update database and/or to allow the network to know the correct cell update records and be able to locate the UE efficiently.

Therefore, it would have been obvious to a person of skilled in the art at the time of invention to modify the combination such that cell update would be suppressed depending on the relevance of the trigger event to the communications system after reconfiguration, in the format claimed, for the purpose of maintaining the cell update records accurately so the UE can be located efficiently.

Claim 8 recites features analogous to the features of claim 3, thus the combination of Kim/Seo/Krishnarajah discloses all elements of claim 8.

Referring to claim 5, the combination of Kim/Seo/Krishnarajah discloses the method of claim 3, as set forth above.

The combination does not literally specify that the suppressing of the cell update is when the trigger event comprises a radio link failure, as claimed.

However, Kim discloses that the cell update process is a signaling procedure between an RNC and a UE (see Par. 59, lines 1-4 and figures 2 and 3). Further Kim teaches in figure 2 that a UE communicates with an RNC via a Node B. Based on the disclosure of figure 2 and a broad interpretation of the claimed limitation, one skilled in the art would recognize that the communication between the UE and node B would be a radio link, regardless of what type of

link between the Node B and the RNC. Thus, one skilled in the art would understand that when there is a radio link failure between the UE and Node B, there wouldn't be any link between the UE and the RNC, and thus there wouldn't be a signaling procedure between RNC and the UE. Since cell update is defined as signaling procedure between the RNC and UE, there would not be any cell updating when there no link between the EU and the RNC (radio link failure), thus, suppressing the cell update when the trigger event comprises a radio link failure.

Therefore, it would have been obvious to a person of skilled in the art at the time of invention to modify the combination by suppressing the cell update when the trigger event comprises a radio link failure, for the purpose of providing an efficient cell update system.

Claim 10 recites features analogous to the features of claim 5, thus the combination of Kim/Seo/Krishnarajah discloses all elements of claim 10.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 3, 5, 8 and 10 have been considered but moot in view of the new ground(s) of rejection.
5. Applicant's arguments with respect to ***allowability of previously objected claims*** 4, 5, 9 and 10 have been considered but they are not persuasive.

Claims 4, 5, 9 and 10 had been indicated as objected to as being dependent upon a rejected base claim but allowable if rewritten in independent form including ***all of the limitations of the base claim and any intervening claims***.

However, applicant's amendments of the independent claims 3 and 8 do not incorporate ***all the limitations of previously objected claims 4 and 9***. Accordingly, the new limitations

added to claims 3 and 8 are rejected by prior art (Please see the rejection of claims 3 and 8 above). Further, claims 5 and 10 had been objected to and subject to allowability based on the entire *limitations of previously objected claims 4 and 9*. Since the new amended claims do not include all the limitation of the previously objected claims 4 and 9, claims 5 and 10 are rejected in view of new grounds of rejection.

### *Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard, can be reached at (571) 272-7603. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fred A. Casca/

Examiner, Art Unit 2617



Application/Control Number: 10/674,023

Page 8

Art Unit: 2617

/Patrick N. Edouard/

Supervisory Patent Examiner, Art Unit 2617